

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WISCONSIN

FREEDOM FROM RELIGION)	
FOUNDATION, INC.,)	Case No. 11-cv-0626
ANNIE LAURIE GAYLOR, and)	
DAN BARKER,)	
)	
Plaintiffs,)	
)	
v.)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
_____)	

UNITED STATES' MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56 and this Court's orders regarding dispositive motions (Docs. 10 & 33), the United States moves for summary judgment upon all claims made by Plaintiffs Freedom From Religion Foundation, Inc., Annie Laurie Gaylor, and Dan Barker in their Amended Complaint (Doc. 13). In support of its motion, the United States submits the contemporaneously filed legal brief, statement of proposed findings of fact, and evidentiary materials. The United States' motion for summary judgment should be granted because this Court lacks subject matter jurisdiction over Plaintiffs' claims and 26 U.S.C. § 107 is constitutional.

Dated: June 28, 2013

Respectfully submitted,

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Counsel for Defendant

CERTIFICATE OF SERVICE

I certify that, on June 28, 2013, service of the foregoing United States' Motion for Summary Judgment was made upon Plaintiffs by filing it with the Clerk of Court using the CM/ECF system.

/s/ Erin Healy Gallagher
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